



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/034,237

12/27/2001

Jyrki Hoisko

NOKI14-00018

9105

30973

7590

04/13/2006

SCHEEF & STONE, L.L.P.

5956 SHERRY LANE

SUITE 1400

DALLAS, TX 75225

EXAMINER

LIU, JONATHAN

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 04/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034,237

Applicant(s)

HOISKO, JYRKI

Examiner

Jonathan Liou

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This office action is in response to applicant's paper filed 01/27/2006. Claims 1-46 as amended are currently pending in the application. Applicant has amended claims 1, 41-42, 45, and added claim 46. Claims 1-46 are rejected in this final office action.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5, 7, 26-27, 29-31, 33-35, 38, and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 11088672 to Takemura Kazuhiko.

3. As per claim 1, Takemura teaches the image data is received from image pick-up means 101 to display check means through a data communication system in Drawing 6. Hence, Takemura shows that receiving image data associated with the image at a user equipment from a data communication system recited in claim 1.

In Drawing 6, Takemura teaches the image data is received and generated to present on the display check means 102 and setting means 103 would provide the additional information to the display check means. The image data is received from image pick-up means 101, and the image data showing on the display check means 102 could perform the visual effect as claimed because those images presents the moving visual effect before the camera user to hit the finish button and process to the

Art Unit: 2663

laboratory system 2 (see effect of the invention, sec [0051]~sec [0056], Takemura.)

Therefore, Takemura also shows generating a visual effect to be presented in association with a version of the image, said visual effect being generated based on additional information associated with the image recited in claim 1. The addition information is generated from setting means 103 as Takemura's teaching.

Since display check means 102 displays the image data before the camera user to capture an image and displays the content of setting as shown in Drawing 5, display check means 102 displays a version of said image with visual effect by display means of the user equipment as claimed because the display check means need to see the moving image corresponding with the different visual effect, which comes from the content of setting as shown in Drawing 5 or other functions, before the image being captured (See effect of the invention, sec [0045]-[0050], Takemura.)

As mentioned above, display check means displays the image data before the camera user to capture an image and before display the content of setting, and this would be inherently property for camera because the lenses of camera has to display the image without visual effect by the display means in order for person to take the picture or to know what visual effect setting should apply to the camera (See Fig. 3-5)

4. As per claim 2, Takemura shows the visible moving image data and the setting information from setting means 103 on the display check means 102 before presenting the captured and processed image on the CRT monitor (see drawing 6 and effect of the invention, sec [0051]~sec [0056], Takemura.) Hence, Takemura also teaches version of the image associated with the visual effect is presented before displaying the image.

Art Unit: 2663

5. As per claim 3, Takemura shows the visible moving image data on the check display means before sending to the laboratory system 2 through the data taking-in mean 301(see effect of the invention, sec [0051]~sec [0054], Takemura.). Therefore, Takemura also presents the image data effect as visual effects as claimed before all image data that associated with the image has been received in the data taking-in mean 301 from the data communication system (see Drawing 6, Takemura.)

6. As per claim 5, Takemura shows the visible image on the display check means 102 of the digital camera and the content of the setting from setting means 103 in Drawing 5 before the desired final image has been taken (see effect of the invention, sec [0050], Takemura.) Therefore, Takemura also teaches visual effect visualizes information that is associated with the context or content of the image recited in the claim 5.

6. As per claim 7, Takemura shows the menu of the digital camera may include setting sun finish and snow finish (see effect of the invention, sec [0050], Takemura.) Therefore, Takemura also shows the visualizing age of the image.

7. As per claim 26-27, Takemura teaches setting means 103 in Drawing 6, which provides additional information that associates with the image during generation of the image data (see effect of the invention, sec [0052], Takemura.) In Drawing 6, Takemura shows the step, setting means 103 and information attachment means 104, associates additional information with the image data prior transmission of the image data.

Art Unit: 2663

8. As per claims 29-31, Takemura teaches for inputting a desired color balance by setting the values of R, G, and B to represent different color of image (see effect of the invention, sec [0047], Takemura), and he also teaches the predefined color for the presentation of the images (see effect of the invention, sec [0049], Takemura.) Since Takemura teaches setting R, G, and B color values, the color of the image could also be modified by altering those color items as Takemura taught (see effect of the invention, sec [0047]~sec [0050], Takemura)

9. As per claims 33-35, Takemura teaches the finish information may be attached to the image data by defining a file format including both the image data and the finish information and forming data according to the format. He also teaches the finish information may be stored as a file separately from the image data and the file for the finish information and the file for the image data may be associated with each other by using of file names (see effect of the invention, sec [0053], Takemura.) Therefore, Takemura teaches all limitations recited in claims 33-35.

10. As per claim 38, Takemura teaches an image may be expanded and displayed on the monitor of the digital camera (see effect of the invention, sec [0070], Takemura.) Therefore, Takemura's device also shows the presentation of the visual effect comprises provision of at least one differently sized version of the image recited in the claim 38.

11. As per claim 45, Takemura teaches a data communication media for transporting data between two user equipments as shown in Fig. 6. A first user equipment as the digital camera (1, Fig 6, Takemura), and image taking means (101, Drawing 6,

Art Unit: 2663

Takemura) taking image and finish setting means (103, Drawing 6, Takemura) generating the image data and adapted to additional information with the image data. Second user equipment is as a laboratory system (2, Drawing 6, Takemura.) Second user equipment includes a data taking means (301, Drawing 6, Takemura) for receiving the image data. Takemura teaches the image processing means (see 302, Drawing 6, Takemura.), which processes the image processing of the image data received from data taking-in means 301. Takemura teaches the image data could be reproduced on a CRT of the laboratory system (see effect of the invention sec [0056], Takemura.) Takemura further teaches setting of the finish information or position information and confirmation of the image are performed on the monitor; hence, he also teaches to present the alter version and the limitation of the alter version as claimed.

12. As per claim 46, Takemura teaches a method for imparting information associated with the context of an image from a first party to a second party (the process 1 would be considered as the first party because the image taking need to have one of party to control the information, and the process 2 would be considered as the second party because computer 302 need to have another party to perform the control function. See Drawing 6 and sec [0056], effect of the invention.), the other limitation would be similar in the claim 1; thus, the same rationale and basis as applied to claim 1 are applied.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2663

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 11088672 to Takemura Kazuhiko as applied to claim 1 above, and further in view of U.S. Pat. No. 6,504,990 B1 to Abecassls.

15. Takemura teaches a method as claimed in claim 1. He does not specifically teach the visual effect is presented on the display means for a predefined period of time recited in claim 4. Nevertheless, Abecassls teaches that the video content would play within a predefined time period on the monitor (see col 17, lines 45-65, Abecassls.) Abecassls also teaches the video created from the digital camera can be transmitted into multimedia player and display on the TV set (see col 14-15, lines 65-40, Abecassls.) Since Takemura teaches a processing having a digital camera and Abecassls teaches the digital camera signal can be transmitted into his design and display the image data on the monitor, it would have been obvious to one having ordinary skill in the art at the time the invention was made to present the visual effect for a predefined period of time because this would be possible only to play necessary content information on the display means for a predefined period of time in order to save the battery power in the digital camera.

16. Claims 6, 8-11, 20-25, and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 11088672 to Takemura Kazuhiko as applied to claim 1 above, and further in view of U.S. Pat. No. 6,606,117 B1 to Windle.

Art Unit: 2663

17. As per claim 6, Takemura shows visualizing information that is associated with the context or content of the image as claim 5 above. Takemura does not specifically teach the features, such as movements associated with the image as claimed.

Nevertheless, Windle teaches the digital camera could capture the movement of objects into the visual area of the image, and the image is visible on LCD (see col 7, lines 44-51, Windle.) Since Windle teaches the digital camera system and Takemura uses the digital camera to process the image processing, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the feature of showing the movements associated with the image on the monitor of the digital camera because the camera user would be able to see the movement of the image before capturing an image.

18. As per claims 8-10, Takemura teaches a method as claimed in claim 1. He does not specifically teach visualizing a location. Nevertheless, Windle teaches that the content on the monitor of the digital camera could include the location where the image is recorded (see col 4, lines 15-24, and col 5, lines 53-63 Windle.) Therefore, Windle teaches the content data includes a location, which is the location of the source of the image data and the location of the target on the image. Since Takemura includes the display check means 102 in Drawing 6 to display the content information as shown in Drawing 5 and the content information in the reference of Windle includes the location information, it would have been obvious to one having ordinary skill in the art at the time the invention was made to visualize a location on the Takemura's structure because

Art Unit: 2663

providing the location of the image could help the camera user to know where the picture is taken from.

19. As per claims 11, Windle teaches panning and zooming so that the visualization of the content on the monitor of camera could give the user's proximity and position with respect to the source of the image (see col 9, lines 17-37, Windle.) The camera system of Windle includes distance measuring sensors, focus detection devices and position locating devices (see col 5, lines 53-63 Windle.) The position locating devices could detect a number of positions for imaging and zooming system, and could also find out the relative distance between the source of the image and the user equipment (see col 7, lines 1-14, Windle.); hence, these devices could help to provide the user and image location, and even the relative location. Then, the same rationale for claim rejection as applied to claims 8-10 are applied to the remainder of claims 11.

20. As per claim 20, Takemura shows a digital camera comprised the visual effects on the display means. He does not specifically teach moving a version of the image on the display means. Nevertheless, Windle teaches the camera user can record the video data and show on the monitor of the camera (see col 8-9, lines 45-60, Windle.) Since Windle teaches displaying the moving a version of the image on the display of the monitor on the camera and Takemura also teaches the camera system, it would have been obvious to one having ordinary skill in the art at the time the invention was made to comprises moving a version of the image on the display means because the camera user would be able to watch the movement of a version of the image on the monitor of the camera while they are ready either recording or capturing the image.

Art Unit: 2663

21. As per claim 21, Takemura teaches a method as claimed in claim 1. He does not specifically teach indicating of the importance of the image on the visual effect as claimed. Nevertheless, Windle teaches that the position indicator to provide the suggested zoom information to the user; hence, it provides indication of the importance of the image for the camera user in order to select the functions on the camera (see col 6, lines 38-48, Windle.) Since the structures of Takemura and Windle both teach the camera system, it would have been obvious to one having ordinary skill in the art at the time the invention was made to show the indication for the importance of the image on the Takemura's structure because this could help the viewer and camera user better on focusing on what they would like to capture and view.

22. As per claims 22-23, Windle further teaches the software to arrange the photographs in the correct order and context to automatically generate a "virtual" photo album, and the virtual photo album can include music feature (see col 12, lines 25-31, Windle.) Thus, Windle teaches the indication for priority order of the image and audio effect. Then, the same rationale for claim rejection as applied to claim 1 and 21 above are applied to the remainder of claims 22-23.

23. As per claim 24-25, Takemura teaches a method as claimed in claim 1. He does not specifically teach the visual effect is the indication of the origin of the image and neither directly teaches the visual effect indicates group persons. However, Takemura teaches the pick-up means 101 to receive the image and display on the display check means 102. If setting means 103 does not change the setting, such as the brightness, sharpness, color, and other functions, the display check means 102 would shows the

Art Unit: 2663

origin of the image (see Drawing 6, sec [0051] ~ sec [0052], Takemura.) Windle further teaches the position indicator 401, the line up marker 404 and the center marker 405 to indicate the subject of the image for advise the user to use the camera (see Fig. 4, col 6-7, lines 38-20, Windle.) Since Windle teaches indicate the subject of the image and the image could be a group of persons as claimed in 25; therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to show the indication of the origin of the image and a group of persons on the visual effect of Takemura's structure in view of Windle's system because visualizing the origin of the image before the image has been captured and indicating the subject of the image could help the camera user to make sure focusing on the right image data.

24. As per claims 42-44, Takemura teaches the method for the user equipment as the same rationale as claim1. Takemura teaches all of the functions and method for receiver and display means recited in the claims 42-44 could perform as taught in the claims 1-3 of this office action. Takemura teaches to use image pick-up means 101 to receive image data via data communication system, display check means 102 to display the image based on the received image data. Takemura teaches the display check means is finished by displaying the image of a processed image by which an image processing was carried out (see means, sec [0015], Takemura.) Hence, he also teaches the user equipment is arranged to display a version of the image comprising said visual effect recited in claim 42.

However, Takemura does not explicitly teach using a processor means to perform the limitation recited in the claim 42. Nevertheless, Takemura teaches

Art Unit: 2663

generating a visual effect based on additional information associated with the image and for controlling display of the visual effect as taught in claim 1 of the office action, and Windle teaches a processing unit (see 104, Fig. 1, Windle.) to control the additional information associated with the image for controlling display (see col 4, lines 15-24, Windle.) Since, Windle teaches processing unit (see 104, Fig. 1, Windle.) to perform all of content information associated with the image on the display means, Takemura teaches the same device as Windle, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a processor means (see 104, Fig. 1, Windle.) for generating visual effect based on additional information because Takemura's system has to have some kind of processor in order to process the content information created in setting means (see 103, Drawing 6, Takemura.) to display on check display means (see 102, Drawing 6, Takemura.)

25. Claims 12-16, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 11088672 to Takemura Kazuhiko, in view of U.S. Pat. No. 6,606,117 B1 to Windle as applied to claim 8 and 11 above, and further in view of U.S. Pat. No. to Hollenberg.

26. As per claim 12, the structure of Takemura in view of Windle shows visualizing a location between the source of the image and the user equipment. This structure fails to teach providing the geographical location data of the user equipment and the source of the image, and processing their relative location. Nevertheless, Hollenberg teaches that a system, may be implemented as a cell phone having digital camera system (see Fig. 6 and col 9, lines 27-30, Hollenberg.), provides the user's location, finds the

Art Unit: 2663

geographical location of the source of the image data, and computes distances from the user's equipment (see col 8, lines 7-60, and col 22, lines 36-55, Hollenberg.) Since Hollenberg presents his system as a cell phone having a digital camera (see col 6, lines 15-30, Hollenberg.), it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the position data for geographical location of the user equipment and the source of the image data and find the relative location between those two because this could provide the advantage of user to compare or determine two different locations data.

27. As per claim 14, Hollenberg teaches processing method in the claim 12 is done by programming and processes in the multitask processor of the user equipment (see col 23-28, lines 8-55, Hollenberg.) Then, the same rational for claim rejection as applied to claims 12 above are applied to the remainder of claim 14.

28. As per claim 13, the structure of Takemura and in view of Windle's modification would teach a method as claimed in claim 8. This structure does not teach using of information associated with the directional position of the user equipment.

Nevertheless, Hollenberg teaches a digital map to show the user's position relative to the destination (see col 6, lines 43-44, Hollenberg.) Hollenberg also describes using the display system with directional arrow to indicate the location and direction of travel (see col 3-4 lines, 66-1, Hollenberg.) in the prior art. Since Hollenberg teaches a system for collecting information using a digital camera (see col 9, lines 27-30, Hollenberg.), it would have been obvious to one having ordinary skill in the art at the time the invention was made to include directional position of the user equipment based on Hollenberg's

teaching in the structure of Takemura in view of Windle because using of information associated with the directional position could provide the advantage for the camera user of finding the destination of their direction.

29. As per claims 15-16, Hollenberg clearly shows the location, which could be visualized by displaying a version of the image on a position of the display and a location on map is visualized by version of the image with a position on the map (see Fig 2, Hollenberg.) Then, the same rational for claim rejection as applied to claims 8 and 13 above are applied to the remainder of claims 15-16.

30. As per claims 18-19, Hollenberg teaches the area may be zoomed in or out along with user's location and the map display would zoom in to reveal increasing detail as they approached to their destination (see col 6, lines 44-47, and col 22, lines 51-55, Hollenberg.) Therefore, he teaches the size of the image visualizes the distance between the location and the user equipment recited in claim 18. Since Hollenberg teaches the map display would zoom in as approaching to their destination, the speed in which the size of the image changes is used to visualize the distance between the location and the user equipment in Hollenberg's design. Then, the same rational for claim rejection as applied to claims 8 and 13 above are applied to the remainder of claims 18-19.

31. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 11088672 to Takemura Kazuhiko, in view of U.S. Pat. No. 6,606,117 B1 to Windle, and in view of U.S. Pat. No. to Hollenberg as applied to claim 15 above, and further in view of U.S. Pat. No. 6,321,158 B1 to DeLorme et al.

Art Unit: 2663

32. As per claim 17, the structure of Takemura in view of the modification on Windle and Hollenberg's design teaches display locations on the monitor. Their structure does not specifically teach about placing top portion of the display means as locations in the north, bottom portion as locations in the south, left portion as locations in the west, and right portion as locations in the east. Nevertheless, DeLorme et al. teaches that the map displayed on the monitor could be represented as standard geographic coordinates (see col 3, lines 27-37, and col 4, lines 50-54, DeLorme et al.) The standard geographic coordinates would usually refer to the top portion of the display means as locations in the north, bottom portion as locations in the south, left portion as locations in the west, and right portion as locations in the east. Since Delorme et al. teaches taking an image from digital camera to locate the position of the image (see col 9, lines 25-67, DeLorme et al.), it would have been obvious to one having ordinary skill in the art at the time the invention was made to have specific indicated location on the display means because it would provide the user the direction of the map on the monitor of the digital camera.

33. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 11088672 to Takemura Kazuhiko as applied to claim 1 above, and further in view of U.S. Pat. No. 6,167,469 to Safai et al.

34. As per claim 28, Takemura teaches a method as claimed in claim 1. Takemura teaches receiving data and creating a modified version of the image based on the received image data and the additional information (see Drawing 6, and effect of the invention, sec [0051]~sec [0053].) He does not specifically teach a processor on his digital camera device. Nevertheless, Safai et al. teaches that a photo process 208 (see

Art Unit: 2663

Fig.2 Safai et al.) received digital signals, which is image signals, and improve or modify image quality (see col 5-6, lines, 55-4, Safi et al.) Since, Takemura and Safai et al. both teach the same device, digital camera system, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a processor to receive image data and create the modification on the image because this would improve photo quality for the camera user's needs.

35. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 11088672 to Takemura Kazuhiko as applied to claim 29 above, and further in view of U.S. Pat. No. 6,026,193 to Rhoads.

36. As per claim 32, Takemura teaches a method as claimed in claim 29 above in the office action. He does not specifically teach modifying the color of image by changing the bitmap of the image. Nevertheless, Rhoads teaches the color of the image is modified by changing the bitmap of image (see col 55-56, lines 42-23, Rhoads.) Since Takemura teaches changing the color by the value of R, G, and B value and Rhoads teaches bitmaps can be converted to an RGB digital image or equivalent (see col 55, lines 53-59, Rhoads.), it would have been obvious to one having ordinary skill in the art at the time the invention was made to have at least one color of the image is modified by modifying the bitmap of the image in the Takemura's device based on Rhoads's teaching because the bitmap of the image could have the advantage for selecting the color easier.

Art Unit: 2663

37. Claims 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 11088672 to Takemura Kazuhiko as applied to claim 1 above, and further in view of U.S. Pat. No. 5,821,523 to Bunte et al.

38. As per claims 36-37, Takemura teaches a method as claimed in claim 1. He does not specifically teach provision a distorted version of the image, such as a shaking or vibrating version of the image. Nevertheless, Bunte et al. teaches that conventional digital cameras would capture photo images at the initiation of a user and user identify defects image, such as shaking caused defecting image (see col 2, lines 7-20, Bunite et al.) Since Bunte et al. teaches viewing of defects image (shaking or vibrating version of image) was taken from digital camera and Takemura teaches the digital camera device, it would have been obvious to one having ordinary skill in the art at the time the invention was made to show the provision of a distorted (shaking or vibrating) version of the image on Takemura's device because this would inform the user whether the image is defected.

39. Claims 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 11088672 to Takemura Kazuhiko as applied to claim 1 above, and further in view of U.S. Pat. No. 6,091,956 to Hollenberg.

40. As per claim 39-40, Takemura teaches a method as claimed in claim 1. Takemura also teaches transferring of the image data to image server through a network (see Drawing 6, effect of the invention, sec [0051]~sec [0056], and sec [0063], Takemura.) Takemura teaches the digital camera may be a mobile digital information terminal provided with the function of camera (see effect of the invention, sec [0077],

Art Unit: 2663

Takemura.); hence, a mobile digital information terminal is the same as a mobile station as claimed in claim 40. He does not specifically teach that transmitting over a wireless interface between the user equipment and the data network recited in claim 39.

However, Hollenberg teaches a system for providing situation information produced by a digital camera and transmitting the information through a wireless transceiver for displaying on the user's graphical display or communicating to another device (see col 9, lines 35-40, Hollenberg.) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the wireless interface between the user equipment and the data network because this would provide the advantage without using cumbersome cable wiring.

41. As per claim 41, Takemura teaches receiving image data, generating a visual effect, displaying visual effect, and displaying the image as the same rationale for claim rejection as applied to claim 1 above in the office action. He does not specifically teach the image data and additional information being transmitted over a wireless interface between the mobile station and the data communication system. Since Takemura teaches the mobile communication system and Hollenberg teaches the wireless interface as depicted for claim rejection as applied to claims 39-40 above in the office action; thus, the same basis and rationale for claim rejection as applied to claims 1 and 39-40 are applied to the remainder of claim 41. In addition, the local area network would be able to implement the wireless system on Takemura's mobile communication system.

Response to Arguments

42. Applicant's arguments filed 01/27/2006 have been fully considered but they are not persuasive.

Regarding the discussion of two display means recited in the independent claims, the image data with or without visual effect could be display in the first party's camera component (Fig. 6.) Prior making any setting or capturing the image, the first person need to check the lenses of the digital image camera and the image appear on the lenses of camera without any settings, that would be considered as the image display without visual effect as recited in the independent claims. After the first person selected different content setting, the lenses of camera would show the image with visual effect (See Effect of the invention.) Therefore, Takemura does teach the displaying limitation recited in the independent claims.

Regarding claim 7, the lighting effect used while the different season, which are according different age of when the picture taking.

Regarding claim 17, Delorme et al. teaches taking an image from digital camera to locate the position of the image (see col 9, lines 25-67, DeLorme et al.), and teaches that the map displayed on the monitor could be represented as standard geographic coordinates (see col 3, lines 27-37, and col 4, lines 50-54, DeLorme et al.) Thus, it would be able to implement the image of Delorme et al. onto Takemura's system.

Regarding claim 23, Windle teaches the software to arrange the photographs in the correct order and context to automatically generate a "virtual" photo album, and the

Art Unit: 2663

virtual photo album can include music feature (see col 12, lines 25-31, Windle.)

Therefore, the visualizing an audio effect would be associated with the image (photo).

In view of above discussion, examiner believes Takemura and other combined references teach the limitations recited in the claim. Thus, claims 1-46 stand rejected.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Liou whose telephone number is 571-272-8136. The examiner can normally be reached on 8:00AM - 5:00PM Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2663

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ajit Patel
Primary Examiner

Jonathan Liou

4/4/2006